

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BENTHOS MASTER FUND, LTD.,	:	
	:	
Petitioner,	:	
	:	Case No. 20-cv-03384 (AJN)
- against -	:	
	:	
AARON ETRA,	:	
	:	NOTICE OF MOTION
Respondent.	:	
	:	
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PLEASE TAKE NOTICE that upon the accompanying Declaration of Steven R. Popofsky, dated October 12, 2020, the exhibits annexed thereto, and the memorandum of law dated October 12, 2020, Petitioner Benthos Master Fund, Ltd. will move this Court at Thurgood Marshall United States Courthouse, 40 Foley Square, Room 2102, New York, New York 10007, as soon as counsel can be heard, pursuant to Fed R. Civ. P. 45(g), 18 U.S.C. § 401, Rule 83.6 of the Local Civil Rules of the United States District Court for the Southern District of New York (“Local Civil Rules”) and this Court’s inherent authority, for an order (i) holding Respondent Aaron Etra in conditional civil contempt for his defiance of Petitioner’s information subpoena and subpoena *duces tecum*, and (ii) reimbursing Petitioner’s reasonable counsel fees incurred in seeking to remedy Respondent’s non-compliance with said subpoenas.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within fourteen days after service

of the moving papers, and any reply affidavits and memoranda of law shall be served within seven days after service of the answering papers.

Dated: October 12, 2020

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.

By: /s/ Steven R. Popofsky

Steven R. Popofsky
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